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Joseph A. Schrader

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MICROSOFT CORPORATION

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EXAMINER

BELIVEAU, SCOTT E

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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/904,409	Applicant(s) SCHRADER ET AL.	
	Examiner Scott Beliveau	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11,14-18,20,22 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11,14-18,20,22 and 30-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/06 + 7/21/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 September 2006 has been entered.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e). The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/273,139, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. In particular, the limitations corresponding to

the particular addition or usage of priority levels wherein information is distributed in accordance with the order of priority is not disclosed in the earlier filing. Accordingly, the application is being examined based upon its filing date of 12 July 2001.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on 06 June 2006 and 21 July 2006 were filed after the mailing date of the Final Rejection on 26 April 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings received on 12 July 2001 are approved in light of the submitted amendments to the specification.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 15, 16, 30, and 40 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments pertaining to the combination of Knudson and Rasson not teaching or suggesting the assignment of a priority based on the type of content, the examiner respectfully disagrees. Rasson teaches the prioritization of television program data based its 'type' namely whether or not it is the 'type' of data that is needed sooner or later based upon its 'expiration' (Col 8, Lines 8-18). Rasson further explicitly teaches that

the particular prioritization of data associated with program guides is desirable in order to efficiently allow for network bandwidth management (Col 1, Lines 38-63). As illustrated in Knudson, different 'types of content' corresponding to television program data (ex. sports scores, game recaps) are assigned to differing lengths of expiration. All data is assigned to a particular expiration period as illustrated in Figure 20. These expiration durations and 'types of content' correspond to the same order of priority as that set forth in the specification (IA: Page 16, Lines 3-11). The particular labels used to designate these differing levels of priority (ex. "High", "Fast", "Normal", and "Low") appear to be logical designations representative of the particular order of priority for data distribution (there is no real-time priority level as opposed to "High" described in the specification). These particular 'designations' are taught by the combined references in association with arranging the particular 'types of content' or different types of television data in order of their respective expiration for distribution.

Claim Objections

6. Claim 33 is objected to because the phrase "firs" appears to contain a typographical error and should read "first". Appropriate correction is required.
7. Claim 38 is objected to because the phrase "from and Internet" appears to contain a typographical error and should read "from an Internet". Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-4, 6-9, 11, 14, and 33-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims further fail to comply with the enablement requirement because the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 sets forth the step of “receiving a plurality of data feeds over a first broadcast channel, the data feeds including a plurality of television programs, television program data, and Internet Protocol data”. Based upon the antecedence of the claim language, the ‘indicators’ and ‘priority levels’ are subsequently assigned to the received information and the ‘received’ information is ‘delivered’ to the client. In response to the examiner’s previous inquiry, support for the amended claims was noted as being found at least at page 4, line 4 – page 5, line 2; page 7, lines 3-17; and page 16, line 3 – page 17, line 10 (Response to Notice of Non-Responsive Amendment – 25 September 2006). Support of the particular assignment of priority levels as claimed appears to be found on pages 16, line 3 – page 17, line 10; which describes the assignment of priority levels by the content aggregator [402]. As illustrated in Figure 4, the content aggregator [402] receives data feeds from data provider [411]. Therefore, it appears that support for the claimed limitation of “receiving a plurality of data feeds over a first broadcast channel” is purportedly found via the interconnection between

elements “411” and “402” illustrated in Figure 4. However, the data provider [411] is merely described as providing sports status real-time data, sports statistics and editorial data from Internet data services (page 15, lines 9-13) and the citations, however, are silent regarding any reception of ‘television programs’ by the content aggregator [402] through a ‘first broadcast channel’ interconnecting the data provider [414] with the content aggregator [402]. As illustrated in Figure 4, it would appear that the actual ‘television programming’ [102] is introduced later in process and is distributed independently or as a separate data stream. Therefore, it is unclear as to how enabling support is found for the particular step of “receiving a plurality of data feeds over a first broadcast channel, the data feeds including a plurality of television programs, television program data, and Internet Protocol data” in light of the claim taken as a whole.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 is dependent upon a cancelled claim and is presumed to be dependent upon claim 1 for the purpose of examination.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 15-18, 20, 22, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041) in view of Rasson et al. (US Pat No. 6,137,549).

Claim 15 is rejected wherein the Knudson et al. reference discloses a “method for creating a data stream associated with televised sporting events”. Knudson et al. discloses “generating first event-based content associated with a first one of a plurality of televised sporting events, the first event-based content occurring in real-time” such as a scoring events (Col 10, Lines 49-54; Col 11, Lines 44-53) and “generating second event-based content associated with a second one of a plurality of televised sporting events, the second event-based content including daily changing information” such as information corresponding to the team itself (Col 17, Lines 26-32; Col 18, Lines 20-23) both the “first” and “second event-based content” are associated with a respective “first” and “second event identifier” serving to identify the particular type of content/data (Knudson et al.: Figures 20 and 22).

The reference, however, is silent with respect to the particular packetization and assignment of prioritization information in association with the distribution of the associated content.

In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses a system and method for the prioritized delivery based upon the expiration time associated with the data. In particular, the reference teaches “creating data packets” [78], “assigning . . . priorities” to the corresponding packets based upon factors including expiration time, “determining whether the first priority is greater than the second priority”, “inserting the . . . data packets into the data stream” in order of priority and “sending the data stream to a client system” (Col 8, Lines 8-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Knudson et al. using the teachings of Rasson et al. so as to “assign a first priority to said first event-based content”, “create a first data packet including the first event-based content and the first event identifier”, “assign a second priority to the second event-based content, the second priority being different from the first priority”, “create a second data packet including the second event-based content and the second event identifier”, “determine whether the first priority is greater than the second priority”, “insert the first data packet and the second data packet into the data stream when the first priority is greater than the second priority; and sending the data stream to a client system” in light of the teachings of Rasson et al. for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 16 is rejected in light of the aforementioned combination of references which taken in combination discloses a “television broadcast service providing dynamic

information associated with a plurality of broadcast television programs concerning sporting events". As illustrated in Figure 1, Knudson et al. illustrates a "broadcast center" [40] for "collecting a multiplicity of live data feeds associated with the sporting events" (Col 5, Line 53 – Col 6, Line 9), an "event producer" [22], and a "content aggregator cascaded with the event producer" [22] for "aggregating the output data feeds from the event producer, generating a stream of broadcast content based on the aggregated data feeds, and sending the stream of broadcast content based on the aggregated data feeds to a client system" [48] (Figure 11; Col 6, Lines 26-43).

Knudson discloses the particular existence of a plurality of data feeds each of which is associated with differing expiration times (Col 17, Lines 26-45). For example, the Figure 20 illustrates a "first data feed" corresponding to scoring updates, and a "second data feeds" corresponding to league scores or game recap information which has a longer expiration time than the 'first data feed' associated with scoring updates, a "third data feed" corresponding to team notes which has a longer expiration time than the 'second data feed' or league scores, and a "fourth data feed" corresponding to league schedule information which has an expiration time than that associated with the 'third data feed' or team notes. The reference, however, is silent with respect to the prioritization, sorting, and subsequently outputting the sorted feeds. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses "assigning each of the data feeds one of a set of priority attributes" (ex. higher priority or lower priority), "formatting the data . . . for a one-way broadcast transmission" of the data to the local

distribution node (Col 7, Line 66 – Col 8, Line 7), “sorting the data . . . according to their assigned priority attributes, and outputting the sorted data” (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Knudson et al. “event producer” [22] so as to “assign each of the data feeds one of a set of priority attributes, a first data feed having a priority level of a real-time level, a second data feed having a priority level of a fast level which is less than the real-time level, a third data feeds having a priority level of a normal level which is less than the fast level, and a fourth data feed having a priority level of a low level which is less than the normal level, [to] format the data feeds for a one-way broadcast transmission, sort the data feeds according to their assigned priority attributes, and [to]output the sorted data feeds“ for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 17 is rejected wherein the “broadcast content of the first data feed comprises real-time event notifications associated with the plurality of broadcast sporting events” such as those corresponding to scoring (Knudson et al.: Col 17, Line 64 – Col 18, Line 30).

Claim 18 is rejected wherein the “broadcast content of the first data feed comprises alert notifications associated with the plurality of broadcast sporting events” (Knudson et al.: Col 10, Lines 43-54). For example, Figure 7 illustrates an example of an alert which informs the user that the “Pistons At Hornets” game is about end.

Claim 20 is rejected wherein the “alert notifications are capable of invoking an action when delivered to the client system” such as the user deciding to tuning to watch the

particular remainder of the program (Knudson et al.: Col 10, Line 62 – Col 11, Line 4; Col 14, Lines 14-27).

Claim 22 is rejected wherein the “event producer is capable of generating event log indices for at least one of the plurality of television programs, encapsulating the event log indices, and inserting the same into the data stream” in association with the particular generation and distribution of game recaps/highlights (Knudson et al.: Col 18, Lines 8-11).

Claim 40 is rejected in light of the aforementioned combination of references which taken in combination discloses a “method for managing bandwidth in a system for displaying enhanced broadcast television content” and were previously discussed in greater detail. As illustrated in Figure 1, Knudson et al. illustrates a distribution facility [26] “receiving a plurality of data feeds” [30], “associating the portions of data feeds having a common event identifier” [176] and “displaying a user interface for an event associated with the common event identifier, the user interface comprising information representing the associated portions of the data feeds for the event” [178] (Figure 10).

As previously noted, Knudson teaches a “portion of each data feed having an associated event identifier” (Figures 20 and 22) and “each event identifier” having an associated expiration time (Col 17, Lines 26-45). The reference, however, is silent with respect to the prioritization of these ‘received feeds’. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses “assigning priority levels” (ex. higher priority or lower priority) based upon different types of data (ex. data needed sooner or later based upon expiration) in order

to “enable the associated portion of the data feed to be received” at the corresponding priority (Figures 3 and 5; Col 6, Lines 1-40; Col 7, Line 66 – Col 8, Line 42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Knudson et al. to “receive a plurality of data feeds in accordance with an associated priority level, a portion of each data feed having an associated event identifier, and each event identifier having an associated priority level wherein a first event identifier of a first data feed is assigned a real-time priority level based on a first type of the first data feed to enable the associated portion of the data feed to be received at a highest priority, and a second event identifier of a second data feed is assigned a priority level based on a second type of a second data feed, the second priority level being selected from a group consisting of: a fast priority level, a normal priority level, and a low priority level, where a portion of a data feed assigned a fast priority level is given more precedence in delivery than portions of data feeds assigned the normal priority level, where a portion of a data feed assigned a normal priority level is given more precedence in delivery than portions of data feeds assigned the low priority level” for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 41 is rejected wherein the “portion of the data feed associated with the first event identifier indicates an alert” (Knudson et al.: Col 10, Lines 43-54). For example, Figure 7 illustrates an example of an alert which informs the user that the “Pistons At Hornets” game is about end.

Claim 42 is rejected wherein the “second priority level is a fast priority level, and the portion of the data feed associated with the second event identifier indicates a score of a television program” (Knudson et al.: Col 18, Lines 10-11)

Claim 43 is rejected wherein the “second priority level is a normal priority level, and the portion of the data feed associated with the second event indicates a news article” associated with the team (Knudson et al.: Col 18, Lines 20-24).

Claim 44 is rejected wherein the “second priority level is a low priority level, and the portion of the data feed associated with the second event indicates static information: (Knudson et al.: Col 18, Lines 19-20).

15. Claims 30-32 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Marshall et al. (US Pub No. 2002/0010697), and in further view of Rasson et al. (US Pat No. 6,137,549).

Claim 30 is rejected as aforementioned in light of the combined references which disclose a “method for delivering broadcast television programming related to sporting events and associated enhanced content”. The method comprises “receiving broadcast television programming relating to sporting events” by the set-top terminal (Knudson et al.: Figure 7) and “generating a first dynamic content concerning an occurrence of a first event in the broadcast television programming” such as that content associated with a scoring event and “generating a second dynamic content concerning another occurrence of a second event in the broadcast television programming” such as that content associated with game summaries. The method subsequently “assigns a first event identifier to the first dynamic content associating the first dynamic content to a first program in the broadcast television

programming to create a tunable alert” and “assigns a second event identifier to the second dynamic content associating the second dynamic content to a second program in the broadcast television program” (Knudson et al.: Figure 10; Col 14, Lines 14-27). As illustrated in Figures 7 and 13, the method involves “delivering the tunable alert together with at least a portion of the broadcast television programming to one or more client devices” [48] through the television distribution facility [26] such that the client can subsequently interact with the data so as to view programming as desired.

Knudson teaches that game recap information may include game highlights or any other suitable game summary information (Col 18, Lines 10-11), but is silent with respect to the particular usage of “box scores of a sports game”. In an analogous art pertaining to interactive video distribution, the Marshall et al. reference discloses providing “box scores of a sports game” (Figure 7; Para [0032]) which may be provided in conjunction with a television broadcast (Figure 13; Para. [0041]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “box scores of a sports game” for the purpose of providing the user with a statistical summary of a sporting event quickly and efficiently informs a viewer of nearly everything that occurred in a given game. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly employ the teachings of Marshall et al. as one of the Knudson et al. real-time data source [30] so as to provide for consolidated network for providing comprehensive coverage of different sporting information that further provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] – [0009]).

As previously noted, Knudson discloses the particular usage of updating intervals and corresponding expiration times for different types of real-time data or “dynamic content” (Col 17, Lines 26-45), but is silent with respect to the prioritization and subsequent distribution of content based priorities. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses “assigning a real-time priority” or ‘high’ priority level to a first content and “assigning a fast priority to the second event identifier, the fast priority level being lower than the real-time priority lower than the first priority” to data based upon its expiration time and subsequently “after delivering . . . [the first data], then delivering the second [data] to the one or more client devices” [44] (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the distribution techniques of Knudson et al. so as to further “assign a real-time priority level to the tunable alert; assign a fast priority to the second event identifier, the fast priority level being lower than the real-time priority; and . . . after delivering the tunable alert, then delivering the second event identifier to the one or more client devices” for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 31 is rejected wherein the method further “creates a listing of a plurality of sporting events” such as programming guide data [24] (Knudson et al.: Figure 1), “assigns a normal identifier to at least respective ones of the sporting events to create an enhanced sports television schedule” wherein the “normal event identifier” may correspond to other

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types of sporting related dynamic content including team news and notes and “delivers the enhanced sports television schedule to the one or more client devices” [48] whereupon the subscriber can subsequently access the information (Knudson et al.: Figure 23).

Claim 32 is rejected wherein the method further “periodically updating the enhanced sports television schedule; and delivering an updated enhanced sports schedule to the one or more client devices” (Knudson et al.: Figure 12).

Regarding claim 37, as previously noted the Knudson reference is silent with respect to the “second data feed comprising box scores of a sport game currently in progress”. In an analogous art pertaining to interactive video distribution, the Marshall et al. reference discloses providing “box scores of a sports game currently in progress” (Figure 7; Para [0032] and [0040]) based upon the reporter immediately posting results of a particular quarter/inning. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “box scores of a sport game currently in progress” for the purpose of providing the user with a statistical summary of a sporting event quickly and efficiently informs a viewer of nearly everything that occurred in a given game up to that point. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly employ the teachings of Marshall et al. as one of the Knudson et al. real-time data source [30] so as to provide for consolidated network for providing comprehensive coverage of different sporting information that further provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] – [0009]).

Regarding claims 38 and 39, as previously, the “third data feed comprising daily information” such as that corresponding to team notes/news and the “fourth data feed comprises substantially static information” associated with team schedules. While Knudson suggests that a variety of real-time data sources [30] can be utilized through their interconnection via a variety of links [28] (Col 5, Line 39 – Col 6, Line 9), the reference is silent with respect to the data being derived from “Internet Protocol data”. The analogous Marshall et al. reference discloses the particular existence of “Internet Protocol data” in order to provide both team notes/news and schedule information (Figure 1; Para. [0026]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly employ the teachings of Marshall et al. such that the respective “third” and “fourth data feeds [are] from Internet Protocol Data feed[s]” for the purpose of providing a consolidated network for providing comprehensive coverage of different sporting information that further provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] – [0009]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Tash (US Pat No. 7,036,138) reference discloses a system and method for scheduling and distribution broadcast information.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SEB

January 19, 2007

Scott Beliveau
Primary Examiner
Art Unit 2623